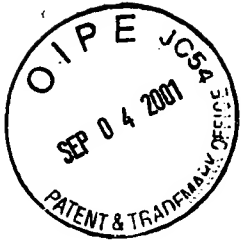


09-05-01



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INTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

RECEIVED
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19 5 6-8-01

Docket No.: D5442C/CIP

Anticipated Classification of this application:

Class: 128 Subclass:

Prior application: 09/026,882

Examiner: S. Huff

Art unit: 1642

ASSISTANT COMMISSIONER FOR PATENTS
BOX CPA
WASHINGTON, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)

- I. This is a request for a filing under the continued prosecution application procedure, 37 CFR 1.53(d).
- A. A prior continued prosecution application was filed on January 11, 2001 based on a complete non-provisional application Serial Number 09/026,882, which was filed on February 19, 1998.
- B. Under the title: "Immunotoxins Directed Against CD33 Related Surface Antigens" (as filed originally).
- C. Name of applicants(s) (as originally filed and as last amended) and current correspondence address of applicant(s).

09/06/2001 GTEFFERA 00000065 071185 09026882

01 FC:231 355.00 CH

~~09/06/2001 GTEFFERA 00000066 071185 09026882~~

~~01 FC:217 445.00 CH~~

1. FULL NAME OF INVENTOR	FAMILY NAME Rosenblum	FIRST GIVEN NAME Michael	SECOND GIVEN NAME G.
RESIDENCE & CITIZENSHIP	CITY Sugar Land	STATE OR FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP United States of America
POST OFFICE ADDRESS	POST OFFICE ADDRESS 3127 Stoney Mist Drive	CITY Sugar Land	STATE & ZIP CODE/ COUNTRY Texas 77479 USA

II. The above-identified application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a continued prosecution application. Please use all the contents of the prior application file jacket, including the drawings, as the basic papers for the continued prosecution application and assign the application number of the above-identified application to the continued prosecution application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

III. Declaration or Oath

☒ Replacement Declaration Enclosed

IV. Identification of Claims for Further Prosecution

The fees to be charged are to be based on the number of claims remaining as a result of the:

- attached preliminary amendment.
- unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.
- ☒ claims as on file in the prior application.

V. Fee Calculation

CLAIMS FOR FEE CALCULATION				
	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$355
TOTAL CLAIMS	- 17	0	X \$9	\$
INDEPENDENT CLAIMS	- 2	0	X \$39	\$
MULTIPLE DEPENDENT CLAIM(S), IF ANY		0	X \$130	\$
FILING FEE CALCULATION				\$355.00

VI. Small Entity Statement

☒ Applicants are entitled to Small Entity Status under 37 CFR 1.27(d).

VII. Fee Payment Being Made at This Time:

☒ Filing fee \$355
- Recording assignment (\$40.00; 37 CFR 1.21(h)).
- Processing and retention fee (\$130.00;
37 CFR 1.53(d) and 1.21(l))
☒ Fees for Petition for Extension of Time Under 37 CFR 1.136(a)
Three (3) Month(s) \$445

TOTAL FILING FEES \$800

VIII. Method of Payment of Fees

- Attached is a check in the amount of \$_____.
☒ Please charge Deposit Account No. 07-1185 in the total amount of \$800.
☒ Please charge any additional fees or credit any overpayment to Deposit Account No. 07-1185.

IX. Relate Back--35 U.S.C. 120

☒ Please replace the paragraph on Page 1, lines 16-20 with the following rewritten paragraph:

This application is a continued prosecution application of the continued prosecution application filed January 11, 2001 of continuation-in-part application Serial No. 09/026,882 filed on

N.E.
as
per
37 CFR
1.53(d)(7)

February 19, 1998, now abandoned, which is a continuation-in-part application of USSN 08/702,205 filed August 23, 1996, now abandoned, which is a file wrapper continuation of USSN 08/312,558 filed on September 26, 1994, now abandoned, which is a file wrapper continuation of USSN 07/886,693 filed on April 10, 1992, now abandoned.

X. Assignment

- The prior non-provisional application Serial Number _____, filed on _____ was assigned of record at Reel __, Frame _____ on _____ to _____

XI. Power of Attorney

- ☒ The power appears in the prior application.
☒ Address all future communications to:

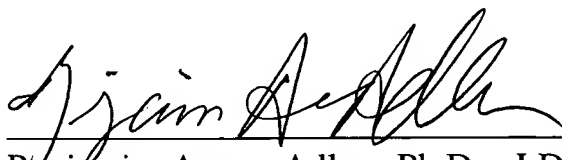
Benjamin Aaron Adler, Ph.D., J.D.
Adler & Associates
8011 Candle Lane
Houston TX 77071
(713)777-2321

XII. Maintenance of Copendency of Prior Application

- ☒ A copy of the petition for extension of time in the prior application is attached.

DATE: Sept 4, 2001

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(713)777-2321
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